

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
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Facsimile: (916) 327-8643

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007-212

13 MATTHEW G. SKEWS
2320 Cedar Road
14 Lake Stevens, WA 98258

DEFAULT DECISION

[Gov. Code, §11520]

15 Registered Nurse License No. 600591

16 Respondent.
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18 **FINDINGS OF FACT**

19 1. On or about February 20, 2007, Complainant Ruth Ann Terry, M.P.H.,
20 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs, filed Accusation No. 2007-212 against Matthew G. Skews
22 ("Respondent") before the Board of Registered Nursing.

23 2. On or about June 14, 2002, the Board of Registered Nursing ("Board")
24 issued Registered Nurse License Number 600591 to Respondent. Respondent's registered nurse
25 license expired on April 30, 2006.

26 3. On or about February 27, 2007, Carol L. Sekara, an employee of the Office
27 of the Attorney General, served by Certified and First Class Mail a copy of the Accusation No.
28 2007-212, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
2 which was and is 2320 Cedar Road, Lake Stevens, WA 98258. A copy of the Accusation and the
3 related documents are attached as exhibit A and are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. Business and Professions Code section 118 states, in pertinent part:

7 (b) The suspension, expiration, or forfeiture by operation of law of a
8 license issued by a board in the department, or its suspension, forfeiture, or
9 cancellation by order of the board or by order of a court of law, or its surrender
10 without the written consent of the board, shall not, during any period in which it
11 may be renewed, restored, reissued, or reinstated, deprive the board of its
authority to institute or continue a disciplinary proceeding against the licensee
upon any ground provided by law or to enter an order suspending or revoking the
license or otherwise taking disciplinary action against the license on any such
ground.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the
14 respondent files a notice of defense, and the notice shall be deemed a specific
15 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within 15 days after service
17 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
18 Accusation No. 2007-212.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions or
22 upon other evidence and affidavits may be used as evidence without any notice to
respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board
24 finds Respondent is in default. The Board will take action without further hearing and, based on
25 Respondent's express admissions by way of default and the evidence before it, contained in
26 exhibit A, finds that the allegations in Accusation No. 2007-212 are true.

27 10. The total costs for investigation and enforcement are \$289 as of May 15,
28 2007.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Matthew G. Skews
3 has subjected his Registered Nurse License Number 600591 to discipline.

4 2. A copy of the Accusation and the related documents are attached.

5 3. The agency has jurisdiction to adjudicate this case by default.

6 4. The Board of Registered Nursing is authorized to revoke Respondent's
7 Registered Nurse License based upon the following violation alleged in the Accusation:
8 Business and Professions Code section 2671, subdivision (a)(4) (disciplinary actions by the State
9 of Washington Nursing Care Quality Assurance Commission).

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25 Attachments:

26 Exhibit A: Accusation No.2007-212 and Related Documents

27
28 DOJ docket number:03579110-SA2006101507
Skews.def

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 MATTHEW G. SKEWS
2320 Cedar Road
14 Lake Stevens, WA 98258

15 Registered Nurse License No. 600591

16 Respondent.
17

Case No. 2007-212

ORDER ON DEFAULT DECISION

[Gov. Code, §11520]

18 IT IS SO ORDERED that Registered Nurse License Number 600591, heretofore
19 issued to Respondent Matthew G. Skews, is revoked.

20 Pursuant to Government Code section 11520, subdivision (c), Respondent may
21 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
22 within seven (7) days after service of the Decision on Respondent. The agency in its discretion

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1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
2 statute.

3 This Decision shall become effective on September 6, 2007.

4 It is so ORDERED August 6, 2007

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6 *Lathane W. Tate*

7 FOR THE BOARD OF REGISTERED NURSING
8 DEPARTMENT OF CONSUMER AFFAIRS
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Exhibit A

Accusation No. 2007-212 and Related Documents

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-212

13 MATTHEW G. SKEWS
2320 Cedar Road
14 Lake Stevens, WA 98258

A C C U S A T I O N

15 Registered Nurse License No. 600591

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about June 14, 2002, the Board issued Registered Nurse License
24 Number 600591 to Matthew G. Skews ("Respondent"). Respondent's registered nurse license
25 was in full force and effect at all times relevant to the charge brought herein and expired on April
26 30, 2006.

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1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Actions by the State of Washington**
3 **Nursing Care Quality Assurance Commission)**

4 7. Respondent is subject to disciplinary action pursuant to Code section
5 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was
6 disciplined by the State of Washington Health Nursing Care Quality Assurance Commission
7 (hereinafter "Commission"), as follows:

8 a. On or about June 21, 2004, pursuant to the Stipulated Findings of Fact,
9 Conclusions of Law, and Agreed Order entered in the disciplinary proceeding titled *In the Matter*
10 *of the Licenses to Practice as a Licensed Practical Nurse and as a Registered Nurse of: Matthew*
11 *G. Skews, LPN, RN*, Docket Nos. 03-09-A-1086LP and 03-01-A-1060RN, the Commission
12 suspended Respondent's license to practice as a licensed practical nurse and as a registered nurse
13 in the state of Washington for a period of sixty (60) months. The Commission also ordered that
14 the suspension shall be stayed upon compliance with the terms and condition of the Agreed
15 Order and that Respondent shall enter the Washington Health Professional Services (WHPS)
16 substance abuse monitoring program and comply with all aspects of that program. A true and
17 correct copy of the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order is
18 attached as exhibit "A" and incorporated herein by reference.

19 b. On or about January 13, 2006, pursuant to the Findings of Fact,
20 Conclusions of Law, and Final Order of Default (Failure to Respond) in the disciplinary
21 proceeding titled *In the Matter of the License to Practice as a Licensed Practical Nurse and as a*
22 *Registered Nurse of: Matthew Skews, LPN, RN*, Docket Nos. 05-06-A-1065LP and 05-06-A-
23 1064RN, the Commission revoked Respondent's license to practice as a licensed practical nurse
24 and as a registered nurse in the state of Washington. The Commission found that Respondent
25 failed to comply with the terms and conditions of the June 2004, Agreed Order, set forth in
26 subparagraph (a) above, and failed to enter the WHPS substance abuse monitoring program.
27 A true and correct copy of the Findings of Fact, Conclusions of Law, and Final Order of Default
28 (Failure to Respond) is attached as exhibit "B" and incorporated herein by reference.

PRAYER

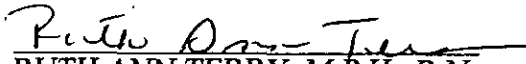
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 600591, issued to Matthew G. Skews;

2. Ordering Matthew G. Skews to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 2/20/07.


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

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EXHIBIT A

**STIPULATED FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND AGREED ORDER: DOCKET NOS.
03-09-A-1086LP AND 03-01-A-1060RN**



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Matthew G. Skews, LPN, RN
Docket No.: 03-09-A-1086LP
Document: Final Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

Information regarding an individual's health care, including where they received health care services, their medical condition, care provided, etc., pursuant to RCW 42.17.312 (Public Records Disclosure) and RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

I Certify that this is a true and correct copy of the document with the State of Washington, Department of Health, Executive Clerk Office.

27th

December, 2006

Signature

Authorized Representative

Public Disclosure Coordinator

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of the Licenses to Practice as)	
a Licensed Practical Nurse and as a)	Docket No. 03-09-A-1086LP
Registered Nurse of:)	Docket No. 03-01-A-1060RN
)	
MATTHEW G. SKEWS, LPN, RN,)	
Credential No. LP00041761,)	STIPULATED FINDINGS OF FACT,
Credential No. RN00114682,)	CONCLUSIONS OF LAW AND
)	AGREED ORDER
<hr/>		
Respondent		

The Nursing Care Quality Assurance Commission (Commission), by and through, Trent Kelly , Department of Health Staff Attorney and Matthew G. Skews, LPN, RN, represented by counsel, Kathryn R. Barron, stipulate and agree to the following:

Section 1: PROCEDURAL STIPULATIONS

1.1 Matthew G. Skews, LPN, RN, Respondent, was issued a license to practice as a registered nurse by the state of Washington in October 1993.

1.2 Respondent was issued a license to practice as a licensed practical nurse by the state of Washington in October 1992. This license expired in March 1995.

1.3 On May 17, 2004, the Commission issued a Second Amended Statement of Charges against Respondent.

1.4 The Second Amended Statement of Charges alleges that Respondent violated RCW 18.130.180(1), (4), (6), (7), (12), (13), [REDACTED] WAC 246-840-710 (1)(b)(c), (2)(e), (4)(a)(d), (5)(a)(b); WAC 246-840-700 (1), (4)(c).

1.5 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Second Amended Statement of Charges.

1.6 Respondent understands that he has the right to defend himself against the allegations in the Second Amended Statement of Charges by presenting evidence at a hearing.

1.7 Respondent understands that, should the State prove at a hearing the allegations in the Second Amended Statement of Charges, the Commission has the power and authority to impose sanctions pursuant to RCW 18.130.160.

1.8 Respondent and the Commission agree to expedite the resolution of this matter by means of this Stipulated Finding of Fact, Conclusions of Law, and Agreed Order (Agreed Order).

1.9 Respondent waives the opportunity for a hearing on the Second Amended Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Commission.

1.10 This Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.11 Should this Agreed Order be signed and accepted it will be subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any other applicable interstate/national reporting requirements.

1.12 Should this Agreed Order be rejected, Respondent waives any objection to the participation at hearing of all or some of the Commission members who heard the Agreed Order presentation.

Section 2: STIPULATED FACTS

The following facts are alleged by the Commission. Respondent does not admit all of the allegations in the Stipulated Facts, but agrees that the Commission may prevail at a hearing using the evidence in its possession.

2.1 On or about January 2001, while working in the emergency department of Providence Hospital in Everett, Respondent diverted controlled substances and legend drugs for his own personal use. Incidents of this nature are described in the following allegations:

2.1.1. On or about January 30, 2001, at 1359 hours, Respondent withdrew 2 mg/ML injectable hydromorphone for patient [REDACTED] Respondent did not come on shift until 1430 hours.

2.1.2. On or about January 30, 2001, at 1428 hours, Respondent withdrew 100 mg/ML injectable meperidine (Demerol) for patient [REDACTED] He did not document administration of the medication.

2.1.3 On or about January 30, 2001, at 1643 hours, Respondent withdrew 10 mg/ML injectable morphine for patient [REDACTED] He documented administration of 2 mg at 1658 hours and 4 mg at 1706 hours, but failed to account for the remaining 4 mg.

2.1.4. On or about January 30, 2001, at 1644 hours, Respondent withdrew 100 mg/ML injectable meperidine (Demerol) for patient [REDACTED] He documented administration of 50 mg but failed to account for the remaining 50 mg.

2.1.5. On or about January 30, 2001, at 1654 hours, Respondent withdrew 50 mg/ML injectable diphenhydramine (Benadryl) for patient [REDACTED] He documented administration of 25 mg at 1700 hours but failed to account for the remaining 25 mg.

2.1.6. On or about January 30, 2001, at 1654 hours, Respondent withdrew 10 mg/2 ML injectable metoclorpramide (Reglan) for patient [REDACTED] He documented administration of 5 mg at 1700 hours but failed to account for the remaining 5 mg.

2.1.7 On or about January 30, 2001, at 1829 hours, Respondent withdrew 2 mg/ML injectable hydromorphone (Dilaudid) for patient [REDACTED] He did not document administration of the medication.

2.1.8. On or about January 30, 2001, at 1830 hours, Respondent withdrew 100 mg/ML injectable meperidine (Demerol) for patient [REDACTED] who did not have physician orders for meperidine (Demerol). Respondent did not account for the medication.

2.1.9. On or about January 30, 2001, at 1830 hours, Respondent withdrew 50 mg/ML injectable diphenhydramine (Benadryl) for patient [REDACTED] who did not have physician orders for diphenhydramine (Benadryl). Respondent did not account for the medication.

2.1.10. On or about January 30, 2001, at 1915 hours, Respondent withdrew 2 mg/ML injectable hydromorphone (Dilaudid) for patient [REDACTED] He documented administration of 1 mg Dilaudid at 1950 hours.

2.1.11. On or about January 30, 2001, at 1956 hours, Respondent withdrew 2 mg/ML injectable hydromorphone (Dilaudid) for patient [REDACTED] He did not document administration of the medication.

2.1.12. On or about January 30, 2001, at 2031 hours, Respondent withdrew 2 mg/ML injectable hydromorphone (Dilaudid) for patient [REDACTED] He documented administration of 1 mg Dilaudid at 2040 hours.

2.1.13. On or about January 30, 2001, at 2046 hours, Respondent withdrew 2 mg/ML injectable meperidine (Demerol) for patient [REDACTED] He did not document administration of the medication.

2.1.14. On or about January 30, 2001, at 2154 hours, Respondent withdrew 100 mg/ML injectable meperidine (Demerol) for patient [REDACTED] who had been discharged from the hospital at 1905 hours.

2.2 On or about January 9, 2002, while working in the emergency department of Providence Hospital in Everett, Respondent diverted controlled substances and legend drugs for his own personal use. Incidents of this nature are described in the following allegations.

2.2.1 On or about January 9, 2002, at 0110 hours, Respondent withdrew 50 mg/ML injectable promethazine (Phenergan) for patient [REDACTED]. At 0343 hours, he cancelled the remove transaction, and at 0344 hours, Respondent again withdrew 50 mg/ML injectable promethazine (Phenergan) for patient [REDACTED]. This patient had no physician order for Phenergan, and Respondent failed to account for the medication he removed.

2.2.2 On or about January 9, 2002, at 0451 hours, Respondent withdrew 50 mg/ML injectable diphenhydramine (Benadryl) for patient [REDACTED]. This patient had no physician order for Benadryl and Respondent failed to account for the medication he removed.

2.2.3 On or about January 9, 2002, at 0526 hours, Respondent withdrew 50 mg/ML injectable promethazine (Phenergan) for patient [REDACTED]. This patient had no physician order for Phenergan, and Respondent failed to account for the medication he removed.

2.3 On or about August 28, 2002, Respondent, while employed at Bethany at Pacific in Everett, Washington, forged the signature of a co-worker as a witness to Respondent's destruction of 14 Hydrocodone/APAP 500 prescribed for patient [REDACTED].

2.4 On or about September 3, 2002, Respondent, while employed at Bethany at Pacific, forged the signature of a co-worker as a witness to Respondent's destruction of 52 hydromorphone (Dilaudid) prescribed for patient [REDACTED].

2.5 On or about October 29, 2002, Respondent, while employed at Bethany at Pacific, violated facility policy regarding medication wastage when he solicited an agency LPN to witness destruction of unidentifiable medications that Respondent had pre-punched from medication blister cards.

2.6 On or about October 4, 2002, Respondent, while employed at Bethany at Pacific changed the PEG tube for patient [REDACTED] without a physician's order.

2.7 [REDACTED]

2.8 [REDACTED]

2.9 [REDACTED]

2.10 [REDACTED]

2.11 On or about November 11-12, 2003, while Respondent was employed as an agency nurse for Acute Care, Inc., and assigned to Valley Medical Center (facility) in Renton, Washington, the following occurred:

2.11.1 During Respondent's shift, Respondent diverted controlled substances from facility supply for his own immediate use and was impaired on the job.

2.11.2. Staff observed Respondent staggering, sweating profusely, mumbling nonsensically and shaking uncontrollably with red dilated pupils.

2.11.3. Staff accompanied Respondent to the facility's ER where ER staff found three vials of Diphenhydramine Hydrochloride (Benadryl) and one vial of Ativan (lorazepam) in Respondent's sock during their exam. Respondent was relieved from his duties.

Section 3: CONCLUSIONS OF LAW

The State and Respondent agree to the entry of the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The above facts constitute unprofessional conduct in violation of: RCW 18.130.180(1), (4), (6), (7), (12), (13), [REDACTED] WAC 246-840-710 (1)(b)(c), (2)(e), (4)(a)(d), (5)(a)(b); WAC 246-840-700 (1), (4)(c).

3.3 The above violations are grounds for the imposition of sanctions under RCW 18.130.160.

Section 4: AGREED ORDER

Based on the preceding Stipulated Facts and Conclusions of Law, Respondent agrees to entry of the following Agreed Order:

4.1 The license to practice as a licensed practical nurse and as a registered nurse in the state of Washington held by Respondent shall be and is hereby SUSPENDED from the date of this Order for a period of sixty (60) months from the date of this Order. Said suspension shall be stayed upon compliance with the terms and conditions of this Order.

4.2 Respondent shall present both portions of his license to the Commission to be stamped "probation", within ten (10) days of receipt of this Order. Respondent shall also ensure that all subsequent licenses received during the term of this Order are stamped "probation" and shall immediately return any license to the Commission that is not stamped "probation."

4.3 Respondent shall [REDACTED] enter the Washington Health Professional Services (WHPS) substance abuse monitoring program and comply with all aspects of that program. If Respondent fails to cooperate with WHPS staff or fails to comply with any aspect of the program, it will be a violation of this Order. Respondent must contact the WHPS program on or before thirty (30) days from the date of this Order. Respondent must sign a release that allows WHPS to provide the Commission monitoring records pertaining to his participation in the program.

4.4 During the stayed suspension period, the Respondent shall be employed as a registered nurse in the state of Washington only upon compliance with terms established by WHPS. In addition, the following terms govern Respondent's return to work:

- 4.4.1. Respondent shall not work in a clinical setting a minimum of twelve (12) months. The Respondent may work in a case management setting, using his nursing education and experience or other non-clinical setting provided that this setting is approved by WHPS prior to Respondent's commencement of employment.
- 4.4.2. Respondent shall not be employed as a registered nurse in a clinical setting until such employment is approved by WHPS. At that point, the Respondent shall be employed as a RN in a clinical setting only where immediate supervision is provided for a period of twelve (12) months. After twelve (12) months, and with the approval of WHPS, Respondent may be employed in a clinical setting where direct supervision is provided.
- 4.4.3 Respondent shall provide a copy of this Order to his current and future employers and ensure that the employer understands the Commission's decision in this case.

4.5 Respondent may submit a written request for modification of this Order no sooner than thirty-six (36) months from the effective date of this Order at which time he shall provide evidence to the Commission that WHPS approves of the proposed modification. Respondent must personally appear before the Commission at any modification hearing and must show satisfactory compliance with the terms and conditions imposed in this Order. The Commission may impose additional conditions after reviewing Respondent's compliance with this Order. However, at the discretion of a Reviewing Commission member, the terms and conditions of this Order may be modified without a hearing.

4.6 Respondent shall pay to the Commission a monetary penalty in the amount of five hundred dollars (\$500.00). Said fine shall be paid in full directly to the Commission prior to any modification request.

4.7 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

4.8 Respondent shall assume all costs of complying with this Agreed Order.

4.9 If Respondent violates any provision of this Agreed Order in any respect, the Commission may take further action against Respondent's license.

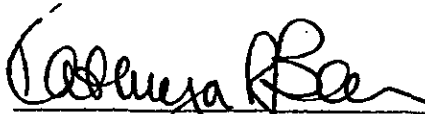
I, Matthew G. Skews, LPN, RN, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.



Matthew G. Skews, LPN, RN
Respondent

4/1/04

Date



Kathryn Barron, WSBA#21847
Attorney for Respondent

6-7-04

Date

Section 5: ORDER

The Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED this 21st day of June, 2004.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE
QUALITY ASSURANCE COMMISSION

Spencer B. Pomeroy
Panel Chair

Presented by:

Trent Kelly * 22334 Sos
Trent Kelly, WSBA #16123
Department of Health Staff Attorney

Date _____

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:
Program No. 2002-09-0040RN; 2002-11-0028RN; 2002-11-0074RN; 2002-11-0010PN

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EXHIBIT B
**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND FINAL ORDER OF DEFAULT: DOCKET NOS.
05-06-A-1065LP AND 05-06-A-1064RN**



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Matthew Skews, LPN, RN
Docket No.: 05-06-A-1064RN
Document: Final Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

Information regarding an individual's health care, including where they received health care services, their medical condition, care provided, etc., pursuant to RCW 42.17.312 (Public Records Disclosure) and RCW 70.02.020 (Medical Records – Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Adjudicative Clerk Office
P.O. Box 47879
Olympia, WA 98504-7879
Phone: (360) 236-4677
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

I Certify that this is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office.

TH day of April, 2006

Debra Hawkins
Signature, Authorized Representative

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice
as a Licensed Practical Nurse and as a
Registered Nurse of:

MATTHEW SKEWS, LPN, RN
Credential No's. LP00041761
RN00114682

)
) **Docket Nos. 05-06-A-1065LP**
) **05-06-A-1064RN**
)

) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW AND**
) **FINAL ORDER OF DEFAULT**
(Failure to Respond)

Respondent.

THIS MATTER, having come before the undersigned Health Law Judge, Presiding Officer for the Adjudicative Service Unit, for final order of default; the state of Washington Department of Health, Nursing Care Quality Assurance Commission appearing by and through its attorney, Trent Kelly, Department of Health Staff Attorney; Matthew Skews, Respondent, having failed to answer or otherwise respond to the Statement of Charges; the Health Law Judge, having reviewed the record herein and being advised in the premises, now issues the following:

Section 1: FINDINGS OF FACT

1.1 Matthew Skews, LPN, RN, Respondent, was issued a license to practice as a licensed practical nurse by the state of Washington in October 1992. This license expired March 1995. Respondent was issued a license to practice as a registered nurse by the state of Washington in October 1993. This license expired March 29, 2005, but is subject to renewal.

1.2 The Department has filed the Declaration of Mary Dale, Health Services Consultant with attached exhibits.

1.3 On June 21, 2004, Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (Order) was entered In the Matter of the License to Practice as a Registered Nurse of Matthew Skews, Docket Nos. 03-09-A-1086LP and 03-01-A-1060RN. Pursuant to the June 21, 2004, Order, Respondent was required to comply with the following terms and conditions, among others:

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND FINAL ORDER OF DEFAULT (Failure to Respond)**
Docket Nos. 05-06-A-1065LP and 05-06-A-1064RN

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ORIGINAL

Respondent was required to [REDACTED] enter the Washington Health Professional Services (WHPS) substance abuse monitoring program and comply with all aspects of that program (Paragraph 4.3).

1.4 [REDACTED]

1.5 [REDACTED]

Respondent has failed to

comply with the terms and conditions of the June 2004 Order outlined above in paragraph 1.3.

1.6 On October 31, 2005, the Commission served Respondent with a copy of the following documents at Respondent's last known address:

- A. Statement of Charges;
- B. Notice of Opportunity for Settlement and Hearing; *and*
- C. Answer to Statement of Charges and Request for Settlement and Hearing; *and*
- D. Proposed Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

1.7 The Answer to the Statement of Charges was due in the Adjudicative Service Unit office by November 21, 2005.

1.8 To date, the Adjudicative Service Unit has not received an answer to the Statement of Charges. On November 29, 2005, the Adjudicative Service Unit issued a Notice of Failure to Respond.

1.9 The Commission has no reason to believe Respondent is now or was in active military service, or a dependent of a person in active military service at the time the Statement of Charges was served.

Section 2: CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case. RCW 18.130.040.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed. WAC 246-11-270(1)(a)(i) or WAC 246-11-270(3). Respondent is in default and the Commission may issue a final order based on the evidence presented. RCW 18.130.090(1) and RCW 34.05.440.

2.3 Based upon the Findings of Fact, Respondent has engaged in unprofessional conduct in violation of RCW 18.130.180(9).

2.4 Sufficient grounds exist to take disciplinary action against Respondent's license. RCW 18.130.160 and 18.130.180.

Section 3: ORDER

The COMMISSION ORDERS:

3.1 The license to practice as a licensed practical nurse and as a registered nurse in the state of Washington held by Matthew Skews shall be and is hereby REVOKED .

3.2 Respondent shall immediately return all licenses to the Commission within ten (10) days of receipt of this Order.

3.3 Respondent may not submit a written petition for modification of this Order and/or reinstatement of license for at least five (5) years from the effective date of this Order.

3.4 Upon request for modification of this Order and/or reinstatement of license, Respondent must provide the following:

Respondent must provide satisfactory evidence of being clean and sober for at least twenty-four (24) consecutive months immediately preceding any such petition. Evidence of being clean and sober shall include but is not limited to *observed* biological fluid testing, completion of chemical dependency treatment, participation in professional peer support groups and NA/AA, and a recent (within 90 days) chemical dependency evaluation by a commission – approved evaluator. The evaluation shall include:

- A. Respondent's condition or diagnosis;
- B. Conclusions and prognosis;
- C. Recommendations regarding the need for ongoing care and treatment;
- D. Professional opinion regarding Respondent's ability to practice nursing with reasonable skill and safety.

3.5 Respondent shall assume all costs of complying with this Order.

3.6 If Respondent violates any provision of this Order in any respect the Commission may take further action against Respondent's license.

3.7 The effective date of this Order is that date the Adjudicative Service Unit places the signed order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of this Order.

Section 4: NOTICE TO PARTIES

This Order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, 45 CFR Part 61, and any other applicable interstate/national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either Party may file a petition for reconsideration. RCW 34.05.461(3); 34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Service Unit
PO Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

State of Washington
Department of Health
Nursing Care Quality Assurance Commission
PO Box 47864
Olympia WA 98504-7864

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied twenty (20) days after the petition is filed if the Adjudicative Service Unit has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A petition for judicial review must be filed and served within thirty (30) days after service of this Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the thirty (30) day period will begin to run upon the resolution of that petition. RCW 34.05.470(3).

The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(19).


DATED: January 13, 2006.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY
ASSURANCE COMMISSION



PRESIDING OFFICER

Presented by:


Trent Kelly, WSBA #16123
Department of Health Staff Attorney

1/11/06
Date

FOR INTERNAL USE ONLY:

PROGRAM NO. 2005-08-0016LP AND 2005-08-0032RN



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Matthew G. Skews, LPN, RN
Docket No.: 03-09-A-1086LP
Document: Final Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

Information regarding an individual's health care, including where they received health care services, their medical condition, care provided, etc., pursuant to RCW 42.17.312 (Public Records Disclosure) and RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.